

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE NONJUDICIAL CIVIL :
FORFEITURE PROCEEDING REGARDING:
APPROXIMATELY \$20,900.00 IN :
UNITED STATES CURRENCY SEIZED :
ON OR ABOUT JUNE 10, 2014, :
-----X

STIPULATION AND ORDER

14 Misc.

14 MISC 366

WHEREAS, on or about June 10, 2014, the Internal Revenue Service (the "IRS") seized \$20,900.00 in United States currency (the "Subject Currency") from Dariana Gomez (the "Claimant") in Westchester County, New York;

WHEREAS, the IRS initiated an administrative forfeiture proceeding against the Subject Currency by timely sending written notice of its intent to forfeit the Subject Currency to all known interested parties;

WHEREAS, on or about July 24, 2014, the IRS received a claim from the Claimant, by her attorney, Lauriano Guzman, Jr., Esq., asserting an interest in the Subject Currency, and whereas the IRS subsequently referred the matter to the United States Attorney's Office for judicial forfeiture;

WHEREAS, no other party has claimed an interest in the Subject Currency;

WHEREAS, the United States of America and the Claimant wish to resolve this forfeiture matter without resort to litigation;

NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED AND ORDERED, by and between Preet Bharara, United States Attorney for the Southern District of New York, by and through Assistant United States Attorney Edward B. Diskant, and the Claimant, by her counsel, Lauriano Guzman, Jr., Esq. that:

1. The United States Department of Treasury (the "USDOT"), or its designee, shall issue payment in the amount of \$5,225 in United States currency through electronic transfer to made payable to the to the account designated on the ACH Vendor Request Form to be completed by Claimant's counsel or other means agreed on by the parties.

2. The Claimant shall withdraw any and all claims and petitions to the balance of the Subject Currency, consisting of \$15,675 in United States currency, and this sum shall be and is hereby forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6).

3. The Claimant is hereby barred from asserting any claim against the United States of America ("USA"), the Department of Justice ("DOJ"), the U.S. Attorney's Office for the Southern District of New York ("SDNY-USAO"), the USDOT, the IRS, or any agents and employees of the USA, the DOJ, the SDNY-USAO, the USDOT, the IRS, and is further barred from assisting others in asserting any such claim, in connection with the seizure and/or possession of the Subject Currency.

4. The Claimant represents that she is the sole owner of the Subject Currency and further agree to hold harmless the USA, the DOJ, the SDNY-USAO, the USDOT, and the IRS, as well as any and all employees, officers, and agents of the USA, the DOJ, the SDNY-USAO, the USDOT, and the IRS, from any and all claims arising from any acts, incidents, or occurrences in connection with the seizure and/or possession of the Subject Currency, including but not limited to any third-party claims of ownership of the Subject Currency.

5. Each party shall bear its own costs and attorney's fees.

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6. The signature pages of this stipulation may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

Agreed and consented to:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the United States

By: 

EDWARD B. DISKANT
Assistant United States Attorney
One St. Andrew's Plaza
New York, New York 10007
(212) 637-2294


10/29/14
DATE

By: 

LAURIANO GUZMAN JR., ESQ.
Attorney for Claimant
2865 Frisby Avenue
Bronx, New York 10461
(718) 892-8200

10/28/14
DATE

SO ORDERED:


LAURA TAYLOR SWAIN, U.S.D.J.
PART I

10/30/2014
DATE